

February 18, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO SUPPORT STATE LEGISLATION TO REDUCE HOT HOLDING TEMPERATURE REQUIREMENTS IN THE RETAIL FOOD INDUSTRY (ITEM NO. 9, AGENDA OF FEBRUARY 18, 2003)

Item No. 9 on the February 18, 2003 agenda is a motion by Supervisor Antonovich to direct the Chief Administrative Office and the Director of Health Services to support State legislation to amend the California Health and Safety Code to lower the hot holding temperature requirement for the retail food industry from 140°F to 135°F, and report back in two weeks.

Currently, no measures have been introduced in the State Legislature to amend the California Health and Safety Code to lower the hot holding temperature requirement. However, the Department of Health Services (DHS) reports that the California Uniform Retail Food Facility Law (CURFFL) Review Committee (CRC) is sponsoring legislation this session which will include such a proposal. The CRC is an organization composed of food safety regulators from Federal, State, and local agencies and representatives of industry and academia. This group was established to address retail food safety issues in California. As of this writing, the CRC is working to secure an author for their proposal.

DHS indicates that the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) reported to the Federal Food and Drug Administration (FDA) that the holding temperature of potentially hazardous foods can be lowered from 140°F to 130°F for a maximum of eight hours to adequately ensure food safety. Although the NACMCF recognized that science supports the temperature of 130°F as a safe holding temperature for hot foods, it also noted the variability in the capability of hot holding equipment and temperature measuring devices.

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Because 130°F provides only a three degree margin of safety for certain pathogens, DHS recommends that the County support or sponsor legislation lowering the hot holding temperature to 135°F, which would allow an adequate margin of safety. There is no existing Board policy on the reduction of hot holding temperature; therefore, a position on this proposal is a matter for Board policy determination.

DEJ:GK
MAL:JF:MS:ib

c: Executive Officer, Board of Supervisors
 County Counsel
 Department of Health Services